II.—MAIN HEADS OF REVENUE.

(1) Land Revenue.

5. Abrogation of the rule requiring the sanction of Government for filing civil suits in respect of Kandukrishi lands.

Mr. M. Raman Pillai (Member, Neyyattinkara taluk) said that, at the ninth session of the Assembly, he was told by the Dewan in reply to his representation on the subject that the question whether the Kandukrishi lands in the Neyyattinkara taluk required a differential treatment would be enquired into. As no beneficial result had come out of it, he proposed to press the subject again on the attention of the Government.

It was in 916 M. E. that the lands in the State were, for the first time, registered in the names of private individuals. Some of the lands were then styled Kandukrishi; but there was no difference in the enjoyment. In 1012 M. E., at the time of settlement, the Pandaravaka garden lands were alone allowed *naduvukur*. But on representations from the people, the Kandukrishi lands were also ordered to be granted the same concession. In para 342 of Mr. Ramiengar's Memorandum on the last settlement, it was said that those who enjoyed Kandukrishi lands should be given the tenants' right, *i. e.*, "the unrestricted liberty to sell, mortgage or devise such right". Mr. Ramiengar added: "This will in no way prejudice the rights of the "Crown as the land-lord, while it will be an act of justice to the cultivator who is "now regarded as a mere tenant-at-will liable to be ousted at any time." Further, in para 28 of the Royal Proclamation of 1061 M. E., which was based on the above Memorandum, it was said that the Kandukrishi lands should be "surveyed and asses- "sed on the same principles as other lands, be allowed to be enjoyed on the existing "terms, subject only to the payment of pattom in kind as at present". It would therefore be clear that, for a period of 156 years from 916 M. E. to 1072 M. E., the tenants enjoyed Kandukrishi lands exactly in the same way as other lands, with full rights of alienation, and that the Government viewed their position favourably.

The stability attaching to Kandukrishi lands was shaken, for the first time, by Regulation II of 1072, which required that the sanction of Government should accompany the plaints before the civil courts could take cognizance of any suit in respect of such lands. The next shock was the result of G. O. No. L. R. & F. 1216, dated the 23rd January 1913, which laid down thus: "The present policy of Government is "not to give sanction to institute civil suits for the recovery of Kandukrishi lands "which had been alienated by the original holder for valuable consideration and which "had been in the possession and enjoyment of the alienees for a long time. Sanc- "tion is generally given for instituting civil suits for the recovery of lands which have "been only leased out".

The Member argued that the Kandukrishi lands were Crown lands only in name, as they were managed like other lands by Government and as the income from them were credited to Government accounts. No differential treatment could, therefore, be accorded to the Kandukrishi lands in so far as it affected the ryots holding them. If the Government feared that some responsibility or risk might devolve on them as proprietor, in any suits that might be instituted later on in respect of the lands when transferred on mortgage, etc., for valuable consideration, he suggested that, by a Royal Proclamation or a Government order, the responsibility might be specifically laid on the tenants, and that the tenants were also quite prepared to share it.

Speaking about the case of the Kandukrishi lands at Neyyattinkara in particular, the Member said that the lands which were now registered as Kandukrishi were uninhabitable forests, twenty years ago. As the result of the labours of individual ryots, many were registered in their names, and for others their applications were under consideration. At that juncture, the settlement authorities interposed and treated all those puduval lands, registered and unregistered, as Kandukrishi, and the complaints of the owners were not redressed.

Dewan.—Was any civil suit filed to set aside the treatment of the registered puduval lands as Kandukrishi lands?

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The Member said that, as the people thought that the sanction of Government was necessary even in such cases, no suits were filed at the time. According to para 93 of the Settlement Memorandum, there were only 1,15,682 parahs of wet lands and 254 gardens under the Kandukrishi tenure in the whole State, but according to the latest settlement register, in the Neyyattinkara taluk alone, there were 1,640 parahs of wet lands and 1,380 *gardens*. The large increase was due to the unauthorised action of the settlement authorities already explained. The real hardship was that the alience who had invested no money on the property was allowed to enjoy the whole property, as if it were his own, and the policy of Government, and the G. O. quoted above, went to strengthen his position. Since the issue of the G. O., the Kandukrishi land owners could not collect their lease amounts and rents stipulated for their buildings and the Government also would not grant them permission to sue the recalcitrant occupants. It would be some consolation if the lands themselves reverted to the Crown. But it was not so either. Further, the provision of the Nair Regulation that the Anandravars could question the propriety of a Karnavan's alienations was of no effect in respect of Kandukrishi lands, as suits could be launched only with the sanction of Government, which would not be given. A Karnavan might therefore do whatever he pleased with the Kandukrishi lands of the tarwad.

The Member observed that the Kandukrishi tenants fully admitted the proprietary rights of the Crown and claimed only a recognition of their *tenant* right. He therefore requested that the liberty of the tenant to sell, mortgage or devise his right might be recognised, as laid down in para 342 of the Settlement Memorandum, and the rule requiring Government sanction abrogated ; and, if a general order like that could not be given, permission to sue the alienees might be granted to those holders who had alienated their lands before they were treated as Kandukrishi in the taluk of Neyyattinkara.

Mr. P. C. Raman Vaidyan (Member, T. I. C., Neyyattinkara) pointed out the difference between the enjoyment of the Kandukrishi and other lands at present, both of which were enjoyed alike formerly. The necessity for Government sanction to sue in respect of Kandukrishi lands had deprived them of their commercial value and the transactions relating to them had therefore become scarce. He prayed that the rule requiring such a sanction might be dispensed with.

Dewan's reply.—The reports of the Dewan Peishkars of Trivandrum and Quilon, already called for, have been received. The whole question will receive careful consideration.

The Assembly adjourned at 5 P. M.

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